

2003 DRAFTING REQUEST

Bill

Received: **01/22/2004**

Received By: **gmalaise**

Wanted: **Soon**

Identical to LRB:

For: **Stephen Nass (608) 266-5715**

By/Representing: **Mike Mikalsen**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - bldg codes**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Nass@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Manufactured housing

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 01/22/2004	wjackson 02/03/2004 wjackson 02/06/2004		_____			S&L
/1			rschluet 02/09/2004	_____	Inorthro 02/09/2004	mbarman 02/16/2004	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

→ At
Intro.

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01/22/2004 10:59:21 AM

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1?	gmalaise	1 wlj 2/6					
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FE Sent For:


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TO: Robin Kite
LRB Attorney

FROM: Representative Steve Nass

DATE: January 21, 2004

RE: Drafting Requesting ---Factory Built Housing

I am requesting a bill draft utilizing parts of LRB-2046/3 (copy enclosed). My bill draft should include the following sections of LRB-2046/3:

SECTIONS: 85 through 96;
98 through 101;
103 through 118;
120;
122 through 138.

If you have any questions on this bill draft request, please contact Mike Mikalsen on my staff.

DRAFT

GMM

-4090/1

LRB-2040/3

RM/RK/JK/AC/MS:wlj:pg

2003 BILL

LPS:
Please
check
autorefs.

SOON

Regenerate

1 AN ACT *to repeal* 20.143 (3) (sa), 25.40 (1) (fm), 25.40 (2) (b) 19g., 66.0435 (1) (a),
 2 66.0435 (1) (f), 66.0435 (3) (c) 7., 77.51 (4) (b) 6., 77.51 (15) (b) 5., 101.19 (1) (e),
 3 101.92 (1), 101.92 (1m), 101.92 (5), 101.9208 (2), 101.925, 101.93, 101.94 (3),
 4 101.94 (4), 101.94 (5), 101.951 (2) (c), 101.951 (2) (d), 101.952 (2) (c), 101.952 (2)
 5 (d) and 341.05 (26) (b); *to renumber* 341.05 (26) (a); *to renumber and amend*
 6 66.0435 (1) (g), 101.9208 (1), 710.15 (1) (a) and 710.15 (1) (e); *to consolidate,*
 7 *renumber and amend* 101.91 (2) (a) and (b); *to amend* 20.143 (3) (j), 20.855
 8 (4) (f), 25.46 (19), 30.40 (6), 45.71 (12) (intro.), 49.47 (4) (b) 1., 59.69 (4) (d), 59.69
 9 (4) (i), 60.61 (2) (c), 62.23 (7) (a), 62.23 (7) (h), 66.0421 (2), 66.0435 (title),
 10 66.0435 (1) (b) and (c), 66.0435 (1) (d) and (e), 66.0435 (1) (i) and (j), 66.0435 (2)
 11 (a), 66.0435 (2) (b), 66.0435 (2) (c), 66.0435 (2) (d), 66.0435 (3) (title), 66.0435
 12 (3) (a), 66.0435 (3) (c) 1. (intro.), 66.0435 (3) (c) 1. a., 66.0435 (3) (c) 1. c., 66.0435
 13 (3) (c) 1. d., 66.0435 (3) (c) 2., 66.0435 (3) (c) 5. and 6., 66.0435 (3) (c) 8., 66.0435
 14 (3) (d) to (f), 66.0435 (3m), 66.0435 (4) (intro.), 66.0435 (4) (b), 66.0435 (4) (c),

BILL

1 66.0435 (5), 66.0435 (8), 66.0435 (9), 66.0809 (3), 66.1001 (2) (b), 70.043, 70.111
2 (19) (title), 70.111 (19) (b), 70.112 (7), 71.07 (9) (a) 3., 71.07 (9) (a) 4., 71.52 (2),
3 71.52 (7), 77.51 (2), 77.51 (4) (b) 7., 77.51 (13) (am), 77.51 (15) (b) 6., 77.52 (2)
4 (a) 1., 77.53 (17), 77.53 (18), 77.54 (7) (b) (intro.), 77.54 (31), 77.54 (36), 77.61
5 (1) (a), 77.61 (1) (c), 77.71 (4), 77.78, 77.785 (2), 77.995 (2), 79.03 (3) (b) 4. a.,
6 85.037, 100.20 (2) (b), 101.125 (1) (a), 101.19 (1) (f), 101.91 (5m), 101.91 (6m),
7 101.91 (7), 101.91 (8), 101.92 (6), 101.9203 (4), 101.9204 (1m), 101.9205 (3),
8 101.9213 (8), 101.935 (title), 101.935 (2) (a), 101.935 (2) (c) 2., 101.935 (2) (d),
9 101.935 (2m), 101.937 (title), (1) and (2), 101.937 (3) (a), 101.94 (2), 101.94 (6),
10 101.951 (2) (a), 101.952 (2) (a), 106.50 (1m) (L), 138.052 (1) (b), 138.056 (1) (b),
11 138.056 (1) (bm), 138.056 (1) (c), 138.056 (1) (d), 138.056 (3) (a), 138.09 (7) (jm)
12 1. b., 214.485 (10), 215.205 (1), 218.10 (8m), 234.622 (7), 340.01 (18m), 340.01
13 (29), 340.01 (48r), 341.12 (1), 343.055 (1) (d), 346.94 (8), 346.94 (8m), 347.15 (2),
14 347.35 (4), 347.45 (1), 347.47 (2), 347.47 (4), 348.06 (1), 348.07 (2) (c), 348.07 (3)
15 (a), 348.10 (5) (intro.), 348.10 (5) (a), 348.10 (5) (c), 348.26 (4), 348.27 (7), 348.27
16 (7m), 349.03 (2), 422.201 (12m), 422.202 (2) (intro.), 422.209 (1m) (a) 2., 422.209
17 (6m), 422.402 (5) (intro.), 422.402 (5) (b), 422.413 (2g) (intro.), 424.301 (1) (b) 1.,
18 707.02 (4), 710.15 (title), 710.15 (1) (b), 710.15 (1) (c), 710.15 (1) (d), 710.15 (1)
19 (f), 710.15 (1m), 710.15 (2), 710.15 (2m) (a), 710.15 (2m) (b), 710.15 (3), 710.15
20 (4), 710.15 (4m), 710.15 (5m) (intro.), 710.15 (5m) (a), 710.15 (5m) (e), 710.15
21 (5m) (em), 710.15 (5m) (f), 710.15 (5m) (g), 710.15 (5m) (h), 861.21 (1) (b), 941.20
22 (1) (d) and 990.01 (14); and *to create* 15.157 (13), 20.143 (1) (jp), 59.69 (4h),
23 60.61 (3h), 62.23 (7) (hh), 66.0435 (1) (cm), 66.0435 (3) (c) 9., 100.20 (7), 101.91
24 (1i), 101.91 (1j), 101.91 (1t), 101.91 (1v), 101.91 (11m), 101.92 (10), 101.9208
25 (2m), 101.933, 101.937 (2m), 101.938, 101.951 (2) (bm), 101.952 (2) (bm),

Repeal

BILL

1 101.957, 101.96, 101.965 (1p), 101.965 (1t), 138.056 (1) (bd), 145.06 (4) (g),
2 165.25 (4) (av), 340.01 (27k), 340.01 (27m), 560.285 and 710.15 (1) (am) of the
3 statutes; ~~relating to: defining and regulating mobile homes and manufactured~~
4 ~~homes; modifying the definition of recreational vehicles;~~ [↓] regulating the
5 manufactured housing industry and manufactured home installations;
6 promoting rehabilitation and recycling of manufactured housing; ~~making~~
7 ~~changes that relate to mobile and manufactured homes and communities in the~~
8 ~~areas of zoning, comprehensive planning, and monthly parking permit fees;~~
9 granting rule-making authority; providing a penalty; and making
10 appropriations.

relating to

Analysis by the Legislative Reference Bureau

This bill makes numerous changes ~~to laws governing mobile homes, manufactured homes, and the mobile and manufactured housing industry.~~ The changes primarily include the following:

Definitions of "mobile home" and "manufactured home"

Under current law there are several different definitions of the term "mobile home" and of the term "manufactured home." Also, under current law "mobile home" is often used as a general term that includes "manufactured home." Because of changes in the mid-1970s in federal laws that define and regulate mobile and manufactured homes, only manufactured homes as defined under current federal law are being constructed today. This bill creates a single definition for "mobile home" and a single definition for "manufactured home" that apply more generally throughout the statutes by doing the following:

1. The bill establishes the definition of "mobile home" that is used in the subchapter of the statutes regulating the mobile and manufactured housing industry as the general definition of "mobile home" in the statutes. Thus, under the bill, a mobile home generally means a vehicle manufactured or assembled before June 15, 1976, that has an overall length of more than 45 feet, that is designed to be towed as a single unit or in sections on a highway by a motor vehicle, that has walls of rigid noncollapsible construction and that is equipped and used, or intended to be used, primarily for human habitation. Under the bill, "mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

BILL

2. The bill establishes the definition of "manufactured home" that is used in the subchapter of the statutes regulating the mobile and manufactured housing industry as the general definition of "manufactured home" in the statutes. Thus, under the bill, a manufactured home generally means either a mobile home or a structure designed to be used as a dwelling, either with or without a permanent foundation, that complies with the federal standards established for manufactured homes.

In addition, the bill makes the use of these terms more consistent with their definitions by doing the following:

1. The bill inserts references to "manufactured home" in certain places in current law that refer only to "mobile home" if the use of mobile home under current law is general and meant to include manufactured homes. For example, the bill inserts references to "manufactured home" in the statutes governing mobile and manufactured home parks. The bill also inserts references to "manufactured home" in the statutes governing the treatment, for property and other tax purposes, of mobile and manufactured homes as either improvements to real property or as personal property.

2. The bill changes references to "mobile home" to be references to "manufactured home" in certain statutes that pertain only to structures that are newly constructed, since under federal law only manufactured homes are now being constructed.

Regulation of manufacturers of manufactured homes

Current law regulates manufacturers of manufactured homes, manufactured home dealers, and manufactured home salespersons. Under current law, the Department of Commerce (Commerce) is responsible for licensing all manufacturers desiring to sell or distribute for sale manufactured homes in this state. Among other things, current law also requires Commerce to do all of the following:

1. Adopt, administer, and enforce rules for the safe and sanitary design and construction of manufactured homes that are manufactured, distributed, sold, or offered for sale in this state, including rules relating to plumbing in the design and construction of manufactured homes.

2. Review typical construction plans and specifications that manufacturers are required to submit to Commerce for approval, including plans and specifications of plumbing systems used in manufactured homes.

3. Inspect manufacturing facilities, processes, fabrication, and assembly of manufactured homes to ensure compliance with the rules promulgated by Commerce relating to the manufacture of manufactured homes.

4. Issue a label for display on a manufactured home that indicates that the manufactured home meets the requirements of the statutes and rules.

5. Establish standards for certification of inspection and testing agencies that inspect manufacturing facilities, processes, fabrication, and assembly of manufactured homes and plumbing systems in manufactured homes and that issue labels of approval.

6. Provide for the inspection of manufactured homes that are manufactured in other states and that are to be sold or intended to be sold in this state.

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This bill eliminates the requirements that Commerce perform the duties listed in items 1, 2, 4, 5, and 6.

Currently, state law requires the manufacturer of a manufactured home to install a functional smoke detector in each manufactured home it manufactures. This bill deletes this requirement. Federal law contains a similar requirement and requires smoke detectors to be installed in additional locations within each manufactured home.

Regulation of manufactured home installations

Generally, a manufactured home is entirely constructed in a factory and, after it is purchased by a consumer, is transported, either as a single unit or in sections, to the home site for installation upon a foundation. Current law generally does not regulate installers of manufactured homes, although current law does require Commerce to make rules governing certain foundations upon which manufactured homes are installed.

With limited exceptions, this bill requires every manufactured home installation in this state to be performed by, or under the general supervision of, an individual licensed by Commerce as a manufactured home installer. The bill specifies that a licensed installer is liable for all acts and omissions related to the installation of each individual who performs an installation under the licensed installer's general supervision. The bill also specifies certain minimum criteria applicable to license applicants. In addition, the bill requires Commerce to make rules for the safe installation of manufactured homes in this state and for the enforcement of those installation standards. Commerce must require third-party inspections as part of its enforcement scheme. The bill prohibits any city, village, or town from regulating a matter governed by these provisions of the bill or by rules promulgated under each of these provisions.

~~Regulation of mobile and manufactured home parks~~

~~Under current law, mobile and manufactured home parks are regulated by Commerce and by the municipality in which the park is located. A mobile and manufactured home park is any plot of ground upon which two or more mobile or manufactured home units that are occupied for dwelling purposes are located. This bill increases from two to three the number of mobile or manufactured home units that must be located on a plot of ground before the ground is considered to be a mobile or manufactured home park subject to regulation by Commerce and the municipality in which the park is located.~~

Regulatory fees

Current law establishes specific fees that Commerce must charge for conducting a file search, providing various services related to the titling of manufactured homes, and providing certain notices related to security interests in manufactured homes. This bill requires Commerce, by rule, to establish fees for these services. This bill also requires Commerce to assess a new fee to fund a manufactured housing rehabilitation and recycling grant program (see below).

Under current law, fees related to the titling of manufactured homes are generally deposited into the transportation fund and then a specified amount is appropriated from the transportation fund for Commerce's administration of the

BILL

manufactured housing statutes. This bill provides, instead, that the fees are deposited into the general fund and credited to the program revenue appropriation account that generally funds the safety and buildings operations of Commerce.

Generally, under current law, the fee for a manufactured home dealer license is \$50 multiplied by the number of years in the license period. The fee for a manufactured home salesperson license generally is \$4 multiplied by the number of years in the license period. Current law requires Commerce, by rule, to determine the license period applicable to each of these licenses. Currently, these fees must be prorated if the license period is not evenly divisible into years. This bill repeals the statutory fee amount and proration requirement and requires, instead, that these fees be determined by Commerce by rule.

Manufactured housing rehabilitation and recycling

This bill requires Commerce to establish a grant program to promote the proper disposal of abandoned manufactured homes and to promote the rehabilitation and use of manufactured homes that are in need of critical repairs. To the extent feasible, Commerce must coordinate the program with the state's housing strategy plan. The bill also requires Commerce to contract with private, nonprofit entities for the administration of the grant program.

Unfair competition and unfair trade practices

Current law prohibits persons from engaging in unfair methods of competition in business or unfair trade practices in business. The Department of Agriculture, Trade and Consumer Protection (DATCP), after public hearing, may issue an order prohibiting certain methods of competition or trade practices that DATCP determines are unfair. Under current law, the Department of Justice (DOJ) may file a complaint with DATCP against a person that DOJ alleges is employing a method of competition or trade practice that is unfair. DATCP must then proceed with a hearing and adjudication of the matter. DATCP may also bring a court action to enjoin the violation of any order that it issues prohibiting an unfair method of competition or an unfair trade practice. The court may award a person certain damages suffered as the result of the violation of the order.

This bill authorizes Commerce, rather than DATCP, to promulgate rules, issue orders, conduct hearings, and bring court actions relating to unfair methods of competition or unfair trade practices employed by manufactured home community operators or manufactured home salespersons. The bill gives Commerce the same authority to proceed against these persons as DATCP has under current law.

Current law provides that a person who suffers damages because of the violation of an order issued by DATCP prohibiting a method of competition or trade practice may bring his or her own court action to recover twice the amount of those damages. This bill provides that a person who suffers damages because of the violation of an order prohibiting an unfair method of competition or an unfair trade practice issued by Commerce against a manufactured home community operator or a manufactured home salesperson may also bring a court action to recover twice the amount of those damages.

BILL**~~Sewer and water service to manufactured housing communities~~**

~~This bill prohibits any public utility that provides metered water service to a manufactured home community as a whole via a single master meter from charging a fee for water lost in distribution between the master meter and the unit meters, except to the extent that the loss exceeds the public utility's system-wide rate of loss.~~

Titling of manufactured homes

With certain exceptions, any person who acquires a manufactured home must apply to Commerce for a certificate of title to the manufactured home. This requirement does not apply if the owner of the manufactured home intends, upon acquiring the manufactured home, to permanently affix the manufactured home to land that the owner of the manufactured home owns. In such a case, the manufactured home becomes a part of the land and its ownership is evidenced by the deed applicable to that land. This bill creates a similar exception that applies if the owner of the manufactured home intends, upon acquiring the manufactured home, to affix the manufactured home to land in which the owner has a leasehold interest of sufficient duration.

~~Regulation of recreational vehicles~~

~~The bill makes minor modifications to the definition of "recreational vehicle," and generally clarifies the applicability of certain vehicle regulations to recreational vehicles. The bill also uses the term "recreational vehicle" in place of "mobile home" where "mobile home" is used to refer to temporary living quarters.~~

Other

The bill establishes a Manufactured Housing Code Council for the purpose of advising Commerce concerning the regulation of the manufactured housing industry. The council is similar to advisory councils that currently advise Commerce with regard to other aspects of housing market regulation, except that members of the Manufactured Housing Code Council are appointed by the secretary of Commerce rather than the governor.

The bill also requires Commerce, by rule, to establish an alternative dispute resolution program designed to facilitate the timely, informal resolution of certain disputes concerning defective manufactured homes and manufactured home installations. The program applies to disputes between manufactured home manufacturers, salespersons, dealers, and installers. The program does not apply to disputes with consumers.

Current law contains numerous references to ~~mobile home~~ or manufactured home parks. This bill changes the term "park" in these references to the term "community."

~~The bill also requires Commerce, in consultation with a representative of the University of Wisconsin-Extension, to establish a manufactured housing information clearinghouse, which interested persons may access via the Internet.~~

~~Under current law, either 35 percent of the gross receipts or sales price from the sale of a manufactured building or an amount equal to 35 percent of the gross receipts or sales price from the sale of a manufactured building less the cost of materials that become a component of the building is excluded from the base for calculating the~~

BILL

sales or use tax that is due on the sale of a manufactured building. Under current law, generally, a "manufactured building" is a manufactured building intended for use as a dwelling, but does not include a manufactured home. Under the bill, the sale of a manufactured home is treated the same as a sale of a manufactured building for sales and use tax purposes.

Currently, the licensee of a mobile home park as well as the owner and occupant of a mobile home are liable for a monthly parking permit fee. In general, this fee is determined by multiplying the value of a mobile home by the general property tax gross rate, minus applicable credits. Under the bill, the licensee is not liable for the monthly fee until the city, village, or town that licenses the park fails to collect the fee in a small claims court action from the owner and occupant of the space on which the mobile home is parked. The bill also prohibits the imposition of a monthly parking permit fee on a financial institution that has repossessed a vacant mobile home and on mobile homes that constitute improvements to real property.

Currently, in a city, village, and a town exercising village powers (municipality), the lawful use of a building or premises that exists at the time of the adoption or amendment of a zoning ordinance may continue even if the use does not conform with the ordinance, although a nonconforming use may not be extended. In addition, the total repairs or alterations to a nonconforming building may not exceed 50 percent of the building's assessed value unless the building is changed to a use that conforms to the municipality's zoning ordinances. Under the bill, a municipality may not enact or amend a zoning ordinance that relates to nonconforming uses, or building setback requirements, if the effect of the ordinance would be to prevent the replacement of a manufactured home in a manufactured and mobile home community with another manufactured or mobile home.

This bill specifies that a manufactured and mobile home is a permitted use in all residential districts, although a zoning ordinance enacted by a city, village, town, or county (political subdivision) may establish reasonable aesthetic, public health, and safety standards for manufactured and mobile homes in areas that include foundation requirements, building setbacks, landscaping, and any other site requirements that apply to single-family dwellings. Ordinances that relate to these issues and apply to a manufactured and mobile home may be different from, but no more stringent than, a similar ordinance that applies to a single-family dwelling that is constructed on site if the difference is attributable to aesthetic, public health, or safety concerns.

Under the comprehensive planning, or "Smart Growth," statute, a municipality's and county's comprehensive plan must contain a housing element that identifies specific policies and programs that promote the development of housing and provide a range of housing choices. Under the bill, "range of housing choices" is specified to include single-family, multifamily, owner-occupied, and rental homes, and manufactured buildings and manufactured homes.

This bill will be referred to the Joint Survey Committee on Tax Exemptions for a detailed analysis, which will be printed as an appendix to this bill.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.157 (13) of the statutes is created to read:

2 15.157 (13) MANUFACTURED HOUSING CODE COUNCIL. (a) There is created in the
3 department of commerce a manufactured housing code council consisting of the
4 following members appointed by the secretary of commerce for 3-year terms:

5 1. Two members representing manufacturers of manufactured homes.

6 2. Two members representing manufactured home dealers.

7 3. Two members representing owners of manufactured home communities.

8 4. Two members representing installers of manufactured homes.

9 5. One member representing an association of the manufactured housing
10 industry in Wisconsin.

11 6. One member representing suppliers of materials or services to the
12 manufactured housing industry.

13 7. One member representing the public.

14 (b) The council shall meet at least twice a year. An employee of the department
15 designated by the secretary of the department shall serve as nonvoting secretary of
16 the council.

17 **SECTION 2.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
18 the following amounts for the purposes indicated:

BILL

2003-04 2004-05

20.143 Commerce, department of**(1) ECONOMIC AND COMMUNITY DEVELOPMENT**

(jp) Manufactured housing rehabi-
litation and recycling; program
revenue

PR	A	70,000	70,000
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SECTION 3. 20.143 (1) (jp) of the statutes is created to read:

20.143 (1) (jp) *Manufactured housing rehabilitation and recycling; program revenue.* The amounts in the schedule for the administration of and for grants under s. 560.285. All moneys received under s. 101.9208 (2m) shall be credited to this appropriation.

SECTION 4. 20.143 (3) (j) of the statutes is amended to read:

20.143 (3) (j) *Safety and building operations.* The amounts in the schedule for the purposes of chs. 101, 145, and 168 and ss. 236.12 (2) (a), 236.13 (1) (d) and (2m), and 236.335. All moneys received under ch. 145, ss. 101.177 (4) (a) 4., 101.178, 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4), ~~101.9205 (3), 101.9208 (1) (b), 101.9213 (8), 101.935, 101.951 (2), 101.952 (2), 101.955 (2), 101.973 (7), and 236.12 (7), and 2001 Wisconsin Act 16, section 9110 (3z), and all moneys transferred under~~ 2003 Wisconsin Act (this act), section 215 (5), shall be credited to this appropriation.

SECTION 5. 20.143 (3) (sa) of the statutes is repealed.**SECTION 6.** 20.855 (4) (f) of the statutes is amended to read:

20.855 (4) (f) *Supplemental title fee matching.* From the general fund, a sum sufficient equal to the amount of supplemental title fees collected under ss. 101.9208

* auto ref (A)

✓ AR. (B)

BILL

1 ~~(1) (dm)~~ and s. 342.14 (3m), as determined under s. 85.037, less \$555,000, to be
2 transferred to the environmental fund on October 1 annually.

3 **SECTION 7.** 25.40 (1) (fm) of the statutes is repealed.

4 **SECTION 8.** 25.40 (2) (b) 19g. of the statutes is repealed.

5 **SECTION 9.** 25.46 (19) of the statutes is amended to read:

6 25.46 (19) The environmental impact fees imposed under ~~ss. 101.9208 (1) (b)~~
7 and s. 342.14 (1r) for environmental management.

8 ~~**SECTION 10.** 30.40 (6) of the statutes is amended to read:~~

9 ~~30.40 (6) "Mobile home" means a prefabricated unit with walls of rigid~~
10 ~~construction that is designed to be towed as a single unit or in sections upon a~~
11 ~~highway by a motor vehicle and that is used or is intended to be used for human~~
12 ~~habitation has the meaning given in s. 101.91 (10).~~

13 **SECTION 11.** 45.71 (12) (intro.) of the statutes is amended to read:

14 45.71 (12) (intro.) "Manufactured home" means a structure, as defined by the
15 ~~Federal Home Loan Mortgage Corporation~~ manufactured home, as defined in s.
16 101.91 (2), which:

17 **SECTION 12.** 49.47 (4) (b) 1. of the statutes is amended to read:

18 49.47 (4) (b) 1. A home and the land used and operated in connection therewith
19 or in lieu thereof a manufactured home or mobile home, if the home or, manufactured
20 home, or mobile home is used as the person's or his or her family's place of abode.

21 **SECTION 13.** 59.69 (4) (d) of the statutes is amended to read:

22 59.69 (4) (d) Trailer camps, or tourist camps and motels or both and
23 manufactured and mobile home parks communities.

24 **SECTION 14.** 59.69 (4) (i) of the statutes is amended to read:

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1 59.69 (4) (i) Building setback lines, except that an ordinance enacted under this
2 paragraph may not prevent the replacement of a manufactured home, as defined in
3 s. 101.91 (2), in a manufactured and mobile home community, as defined in s. 66.0435
4 (1) (e), with another manufactured or mobile home.

5 **SECTION 15.** 59.69 (4h) of the statutes is created to read:

6 59.69 (4h) MANUFACTURED AND MOBILE HOMES. (a) Subject to the limitations in
7 this subsection, a manufactured home, as defined in s. 101.91 (2), and a mobile home,
8 as defined in s. 101.91 (10), shall be considered a permitted use in all residential
9 districts under an ordinance enacted under this section.

10 (b) An ordinance enacted under this section may, consistent with subch. V of
11 ch. 101 and rules promulgated under s. 101.92 (1) and (1m), establish reasonable
12 aesthetic, public health, and safety standards for manufactured and mobile homes,
13 including all of the following:

- 14 1. Foundation requirements.
- 15 2. Building setbacks.
- 16 3. Side and rear yard offsets.
- 17 4. Subdivision control.
- 18 5. Architectural landscaping.
- 19 6. Square footage requirements.
- 20 7. Any other site requirements that apply to single-family dwellings.

21 (c) An ordinance described under par. (b) may be different from, but no more
22 stringent than, an ordinance that applies to a single-family dwelling that is
23 constructed on site if the difference is attributable to aesthetic, public health, or
24 safety concerns.

25 **SECTION 16.** 60.61 (2) (c) of the statutes is amended to read:

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1 60.61 (2) (c) Establish building setback lines, except that an ordinance enacted
2 under this paragraph may not prevent the replacement of a manufactured home, as
3 defined in s. 101.91 (2), in a manufactured and mobile home community as defined
4 in s. 66.0435 (1) (e), with another manufactured or mobile home.

5 **SECTION 17.** 60.61 (3h) of the statutes is created to read:

6 60.61 (3h) MANUFACTURED AND MOBILE HOMES. (a) Subject to the limitations in
7 this subsection, a manufactured home, as defined in s. 101.91 (2), and a mobile home,
8 as defined in s. 101.91 (10), shall be considered a permitted use in all residential
9 districts under an ordinance enacted under this section.

10 (b) An ordinance enacted under this section may, consistent with subch. V of
11 ch. 101 and rules promulgated under s. 101.92 (1) and (1m), establish reasonable
12 aesthetic, public health, and safety standards for manufactured and mobile homes,
13 including all of the following:

- 14 1. Foundation requirements.
- 15 2. Building setbacks.
- 16 3. Side and rear yard offsets.
- 17 4. Subdivision control.
- 18 5. Architectural landscaping.
- 19 6. Square footage requirements.
- 20 7. Any other site requirements that apply to single-family dwellings.

21 (c) An ordinance described under par. (b) may be different from, but no more
22 stringent than, an ordinance that applies to a single-family dwelling that is
23 constructed on site if the difference is attributable to aesthetic, public health, or
24 safety concerns.

25 **SECTION 18.** 62.23 (7) (a) of the statutes is amended to read:

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1 62.23 (7) (a) *Grant of power.* For the purpose of promoting health, safety,
2 morals or the general welfare of the community, the council may regulate and restrict
3 by ordinance, subject to par. (hm), the height, number of stories and size of buildings
4 and other structures, the percentage of lot that may be occupied, the size of yards,
5 courts and other open spaces, the density of population, and the location and use of
6 buildings, structures and land for trade, industry, mining, residence or other
7 purposes if there is no discrimination against temporary structures. An ordinance
8 dealing with building setback lines that is enacted under this subsection may not
9 prevent the replacement of a manufactured home, as defined in s. 101.91 (2), in a
10 manufactured and mobile home community, as defined in s. 66.0435 (1) (e), with
11 another manufactured or mobile home. This subsection and any ordinance,
12 resolution or regulation enacted or adopted under this section, shall be liberally
13 construed in favor of the city and as minimum requirements adopted for the purposes
14 stated. This subsection may not be deemed a limitation of any power granted
15 elsewhere.

16 **SECTION 19.** 62.23 (7) (h) of the statutes is amended to read:

17 62.23 (7) (h) *Nonconforming uses.* The lawful use of a building or premises
18 existing at the time of the adoption or amendment of a zoning ordinance may be
19 continued although such use does not conform with the provisions of the ordinance.
20 Such nonconforming use may not be extended. The total structural repairs or
21 alterations in such a nonconforming building shall not during its life exceed 50 per
22 cent of the assessed value of the building unless permanently changed to a
23 conforming use. If such nonconforming use is discontinued for a period of 12 months,
24 any future use of the building and premises shall conform to the ordinance. On or
25 after the effective date of this paragraph [revisor inserts date], the governing body

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of a city may not enact or amend an ordinance, or adopt or amend a resolution, that relates to nonconforming uses if the effect of the ordinance or resolution would be to prevent the replacement of a manufactured home, as defined in s. 101.91 (2), in a manufactured and mobile home community, as defined in s. 66.0435 (1) (e), with another manufactured or mobile home.

SECTION 20. 62.23 (7) (hh) of the statutes is created to read:

62.23 (7) (hh) *Manufactured and mobile homes.* 1. Subject to the limitations in this paragraph, a manufactured home, as defined in s. 101.91 (2), and a mobile home, as defined in s. 101.91 (10), shall be considered a permitted use in all residential districts under an ordinance enacted under this subsection.

2. An ordinance enacted under this paragraph may, consistent with subch. V of ch. 101 and rules promulgated under s. 101.92 (1) and (1m), establish reasonable aesthetic, public health, and safety standards for manufactured and mobile homes, including all of the following:

- a. Foundation requirements.
- b. Building setbacks.
- c. Side and rear yard offsets.
- d. Subdivision control.
- e. Architectural landscaping.
- f. Square footage requirements.
- g. Any other site requirements that apply to single-family dwellings.

3. An ordinance described under subd. 2. may be different from, but no more stringent than, an ordinance that applies to a single-family dwelling that is constructed on site if the difference is attributable to aesthetic, public health, or safety concerns.

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1 **SECTION 21.** 66.0421 (2) of the statutes is amended to read:

2 66.0421 (2) INTERFERENCE PROHIBITED. The owner or manager of a multiunit
3 dwelling under common ownership, control or management or of a manufactured or
4 mobile home ~~park~~ community or the association or board of directors of a
5 condominium may not prevent a cable operator from providing cable service to a
6 subscriber who is a resident of the multiunit dwelling, manufactured or mobile home
7 ~~park~~ community or of the condominium or interfere with a cable operator providing
8 cable service to a subscriber who is a resident of the multiunit dwelling,
9 manufactured or mobile home park community or of the condominium.

10 **SECTION 22.** 66.0435 (title) of the statutes is amended to read:

11 **66.0435 (title) Mobile Manufactured and mobile home parks**
12 **communities.**

13 **SECTION 23.** 66.0435 (1) (a) of the statutes is repealed.

14 **SECTION 24.** 66.0435 (1) (b) and (c) of the statutes are amended to read:

15 66.0435 (1) (b) "Licensee" means any person licensed to operate and maintain
16 a manufactured and mobile home park community under this section.

17 (c) "Licensing authority" means the city, town or village wherein a
18 manufactured and mobile home park community is located.

19 **SECTION 25.** 66.0435 (1) (cm) of the statutes is created to read:

20 66.0435 (1) (cm) "Manufactured home" has the meaning given in s. 101.91 (2).

21 **SECTION 26.** 66.0435 (1) (d) and (e) of the statutes are amended to read:

22 66.0435 (1) (d) "Mobile home" ~~is that which is, or was as originally constructed,~~
23 ~~designed to be transported by any motor vehicle upon a public highway and designed,~~
24 ~~equipped and used primarily for sleeping, eating and living quarters, or is intended~~

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1 ~~to be so used; and includes any additions, attachments, annexes, foundations and~~
2 ~~appurtenances~~ has the meaning given in s. 101.91 (10).

3 (e) ~~"Mobile Manufactured and mobile home park community"~~ means any plot
4 or plots of ground upon which ~~2 3~~ or more ~~units~~ manufactured homes or mobile
5 homes, occupied for dwelling or sleeping purposes, are located, regardless of whether
6 a charge is made for the accommodation.

7 **SECTION 27.** 66.0435 (1) (f) of the statutes is repealed.

8 **SECTION 28.** 66.0435 (1) (g) of the statutes is renumbered 66.0435 (1) (am) and
9 amended to read:

10 66.0435 (1) (am) ~~"Park Community"~~ means a manufactured and mobile home
11 park community.

12 **SECTION 29.** 66.0435 (1) (i) and (j) of the statutes are amended to read:

13 66.0435 (1) (i) "Space" means a plot of ground within a manufactured and
14 mobile home park community, designed for the accommodation of one manufactured
15 or mobile home unit.

16 (j) "Unit" means a single manufactured or mobile home unit.

17 **SECTION 30.** 66.0435 (2) (a) of the statutes is amended to read:

18 66.0435 (2) (a) It is unlawful for any person to maintain or operate a ~~mobile~~
19 ~~home park community~~ within the limits of a city, town or village, unless the person
20 has received a license from the city, town or village.

21 **SECTION 31.** 66.0435 (2) (b) of the statutes is amended to read:

22 66.0435 (2) (b) In order to protect and promote the public health, morals and
23 welfare and to equitably defray the cost of municipal and educational services
24 required by persons and families using ~~or occupying trailers, mobile homes, trailer~~

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1 ~~camps or mobile home parks~~ communities for living, dwelling or sleeping purposes,
2 a city council, village board and town board may do any of the following:

3 1. Establish and enforce by ordinance reasonable standards and regulations
4 for every ~~trailer and trailer camp and every mobile home and mobile home park~~
5 community.

6 2. Require an annual license fee to operate a ~~trailer and trailer camp or mobile~~
7 ~~home and mobile home park~~ community and levy and collect special assessments to
8 defray the cost of municipal and educational services furnished to ~~the trailer and~~
9 ~~trailer camp, or mobile home and mobile home park~~ a community.

10 3. Limit the number of units, ~~trailers or mobile homes~~ that may be ~~parked or~~
11 ~~kept located~~ in any one camp or park community.

12 4. Limit the number of licenses for ~~trailer camps or parks~~ communities in any
13 common school district, if the ~~mobile housing~~ development of a community would
14 cause the school costs to increase above the state average or if an exceedingly difficult
15 or impossible situation exists with regard to providing adequate and proper sewage
16 disposal in the particular area.

17 **SECTION 32.** 66.0435 (2) (c) of the statutes is amended to read:

18 66.0435 (2) (c) In a town in which the town board enacts an ordinance
19 regulating ~~trailers~~ manufactured and mobile homes under this section and has also
20 enacted and approved a county zoning ordinance under the provisions of s. 59.69, the
21 provisions of the ordinance which is most restrictive apply with respect to the
22 establishment and operation of a ~~trailer camp~~ community in the town.

23 **SECTION 33.** 66.0435 (2) (d) of the statutes is amended to read:

24 66.0435 (2) (d) A license granted under this section is subject to revocation or
25 suspension for cause by the licensing authority that issued the license upon

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1 complaint filed with the clerk of the licensing authority, if the complaint is signed by
2 a law enforcement officer, local health officer, as defined in s. 250.01 (5), or building
3 inspector, after a public hearing upon the complaint. The holder of the license shall
4 be given 10 days' written notice of the hearing, and is entitled to appear and be heard
5 as to why the license should not be revoked. A holder of a license that is revoked or
6 suspended by the licensing authority may within 20 days of the date of the revocation
7 or suspension appeal the decision to the circuit court of the county in which the trailer
8 camp or mobile home park community is located by filing a written notice of appeal
9 with the clerk of the licensing authority, together with a bond executed to the
10 licensing authority, in the sum of \$500 with 2 sureties or a bonding company
11 approved by the clerk, conditioned for the faithful prosecution of the appeal and the
12 payment of costs adjudged against the license holder.

13 **SECTION 34.** 66.0435 (3) (title) of the statutes is amended to read:

14 66.0435 (3) (title) ~~LICENSE AND MONTHLY MOBILE HOME~~ MONTHLY PERMIT FEE;
15 REVIEW.

16 **SECTION 35.** 66.0435 (3) (a) of the statutes is amended to read:

17 66.0435 (3) (a) The licensing authority shall collect from the licensee an annual
18 license fee of not less than \$25 nor more than \$100 for each 50 spaces or fraction of
19 50 spaces within each ~~mobile home park~~ community within its limits. If the park
20 community lies in more than one municipality the amount of the license fee shall be
21 determined by multiplying the gross fee by a fraction the numerator of which is the
22 number of spaces in the ~~park~~ community in a municipality and the denominator of
23 which is the entire number of spaces in the ~~park~~ community.

24 **SECTION 36.** 66.0435 (3) (c) 1. (intro.) of the statutes is amended to read:

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1 66.0435 (3) (c) 1. (intro.) In addition to the license fee provided in pars. (a) and
2 (b), each licensing authority shall collect from each ~~mobile home unit~~ occupying space
3 or lots in a ~~park community~~ in the licensing authority, except from manufactured
4 homes and mobile homes that constitute improvements to real property under s.
5 70.043 (1) and from ~~recreational mobile homes and~~ camping trailers as defined in s.
6 ~~70.111 (19) 340.01 (6m)~~, a monthly parking permit fee computed as follows:

7 **SECTION 37.** 66.0435 (3) (c) 1. a. of the statutes is amended to read:

8 66.0435 (3) (c) 1. a. On January 1, the assessor shall determine the total fair
9 market value of each ~~mobile home unit~~ in the taxation district subject to the monthly
10 parking permit fee.

11 **SECTION 38.** 66.0435 (3) (c) 1. c. of the statutes is amended to read:

12 66.0435 (3) (c) 1. c. The value of each ~~mobile home unit~~, determined under subd.
13 1. b., shall be multiplied by the general property gross tax rate, less any credit rate
14 for the property tax relief credit, established on the preceding year's assessment of
15 general property.

16 **SECTION 39.** 66.0435 (3) (c) 1. d. of the statutes is amended to read:

17 66.0435 (3) (c) 1. d. The total annual parking permit fee, computed under subd.
18 1. c., shall be divided by 12 and shall represent the monthly ~~mobile home parking~~
19 permit fee.

20 **SECTION 40.** 66.0435 (3) (c) 2. of the statutes is amended to read:

21 66.0435 (3) (c) 2. The monthly parking permit fee is applicable to ~~mobile homes~~
22 units moving into the tax district any time during the year. The ~~park community~~
23 operator shall furnish information to the tax district clerk and the assessor on ~~mobile~~
24 homes units added to the ~~park community~~ within 5 days after their arrival, on forms
25 prescribed by the department of revenue. As soon as the assessor receives the notice

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1 of an addition of a ~~mobile home~~ unit to a ~~park community~~, the assessor shall
2 determine its fair market value and notify the clerk of that determination. The clerk
3 shall equate the fair market value established by the assessor and shall apply the
4 appropriate tax rate, divide the annual ~~parking~~ permit fee thus determined by 12
5 and notify the ~~mobile home~~ unit owner of the monthly fee to be collected from the
6 ~~mobile home~~ unit owner. Liability for payment of the fee begins on the first day of
7 the next succeeding month and continues for the months in which the ~~mobile home~~
8 unit remains in the tax district.

9 **SECTION 41.** 66.0435 (3) (c) 5. and 6. of the statutes are amended to read:

10 66.0435 (3) (c) 5. The monthly ~~parking~~ permit fee shall be paid by the ~~mobile~~
11 ~~home~~ unit owner to the local taxing authority on or before the 10th of the month
12 following the month for which the ~~parking~~ permit fee is due.

13 6. The licensee of a ~~park community~~ is liable for the monthly ~~parking~~ permit
14 fee for any ~~mobile home~~ unit occupying space in the ~~park community~~ as well as the
15 owner and occupant of the ~~mobile home occupying space~~ each such unit, except that
16 the licensee is not liable until the licensing authority has failed, in an action under
17 ch. 799, to collect the fee from the owner and occupant of the unit. A municipality,
18 by ordinance, may require the ~~mobile home park community~~ operator to collect the
19 monthly ~~parking~~ permit fee from the ~~mobile home~~ unit owner.

20 **SECTION 42.** 66.0435 (3) (c) 7. of the statutes is repealed.

21 **SECTION 43.** 66.0435 (3) (c) 8. of the statutes is amended to read:

22 66.0435 (3) (c) 8. The credit under s. 79.10 (9) (bm), as it applies to the principal
23 dwelling on a parcel of taxable property, applies to the estimated fair market value
24 of a ~~mobile home~~ unit that is the principal dwelling of the owner. The owner of the
25 ~~mobile home~~ unit shall file a claim for the credit with the treasurer of the

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1 municipality in which the property is located. To obtain the credit under s. 79.10 (9)
2 (bm), the owner shall attest on the claim that the ~~mobile home unit~~ is the owner's
3 principal dwelling. The treasurer shall reduce the owner's ~~parking monthly~~ permit
4 fee by the amount of any allowable credit. The treasurer shall furnish notice of all
5 claims for credits filed under this subdivision to the department of revenue as
6 provided under s. 79.10 (1m).

7 **SECTION 44.** 66.0435 (3) (c) 9. of the statutes is created to read:

8 66.0435 (3) (c) 9. No monthly permit fee may be imposed on a financial
9 institution, as defined in s. 69.30 (1) (b), that relates to a vacant unit that has been
10 repossessed by the financial institution.

11 **SECTION 45.** 66.0435 (3) (d) to (f) of the statutes are amended to read:

12 66.0435 (3) (d) This section does not apply to a ~~mobile home park community~~
13 that is owned and operated by any county under the provisions of s. 59.52 (16) (b).

14 (e) If a ~~mobile home unit~~ is permitted by local ordinance to be located outside
15 of a licensed ~~park community~~, the monthly ~~parking~~ permit fee shall be paid by the
16 owner of the land on which it stands, and the owner of the land shall comply with the
17 reporting requirements of par. (c). The owner of the land may collect the fee from the
18 owner of the ~~mobile home unit~~ and, on or before January 10 and on or before July 10,
19 shall transmit to the taxation district all fees owed for the 6 months ending on the
20 last day of the month preceding the month when the transmission is required.

21 (f) Nothing in this subsection prohibits the regulation by local ordinance of a
22 ~~mobile home park community~~.

23 **SECTION 46.** 66.0435 (3m) of the statutes is amended to read:

24 66.0435 (3m) **PARK COMMUNITY OPERATOR REIMBURSEMENT.** A ~~park community~~
25 operator who is required by municipal ordinance to collect the ~~collects a monthly~~

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1 ~~parking~~ permit fee from ~~the mobile home~~ a unit owner may deduct, for
2 administrative expenses, 2% of the monthly fees collected.

3 **SECTION 47.** 66.0435 (4) (intro.) of the statutes is amended to read:

4 66.0435 ~~(4)~~ APPLICATION FOR LICENSE. (intro.) Original application for ~~mobile~~
5 ~~home park~~ a community license shall be filed with the clerk of the licensing authority.
6 Applications shall be in writing, signed by the applicant and shall contain the
7 following:

8 **SECTION 48.** 66.0435 (4) (b) of the statutes is amended to read:

9 66.0435 ~~(4)~~ (b) The location and legal description of the ~~mobile home park~~
10 community.

11 **SECTION 49.** 66.0435 (4) (c) of the statutes is amended to read:

12 66.0435 ~~(4)~~ (c) The complete plan of the ~~park~~ community.

13 **SECTION 50.** 66.0435 (5) of the statutes is amended to read:

14 66.0435 ~~(5)~~ PLANS AND SPECIFICATIONS TO BE FILED. Plans and specifications in
15 compliance with all applicable ordinances of the licensing authority and provisions
16 of the department of health and family services shall be filed with an original
17 application for a ~~mobile home park~~ community. The clerk, after approval of the
18 application by the licensing authority and upon completion of the work according to
19 the plans, shall issue the license. ~~A mobile housing development harboring only~~
20 ~~nondependent mobile homes as defined in sub. (1) (f) is not required to provide a~~
21 ~~service building.~~

22 **SECTION 51.** 66.0435 (8) of the statutes is amended to read:

23 66.0435 ~~(8)~~ DISTRIBUTION OF FEES. The licensing authority may retain 10% of
24 the monthly ~~parking~~ permit fees collected in each month, without reduction for any
25 amounts deducted under sub. (3m), to cover the cost of administration. The licensing

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1 authority shall pay to the school district in which the ~~park~~ community is located,
2 within 20 days after the end of each month, such proportion of the remainder of the
3 fees collected in the preceding month as the ratio of the most recent property tax levy
4 for school purposes bears to the total tax levy for all purposes in the licensing
5 authority. If the ~~park~~ community is located in more than one school district, each
6 district shall receive a share in the proportion that its property tax levy for school
7 purposes bears to the total school tax levy.

8 **SECTION 52.** 66.0435 (9) of the statutes is amended to read:

9 66.0435 (9) MUNICIPALITIES; PARKING PERMIT FEES ON MOBILE HOMES AND
10 RECREATIONAL VEHICLES. A licensing authority may assess parking monthly permit
11 fees at the rates under this section on mobile homes, as defined in s. 70.111 (19) and
12 recreational vehicles, as defined in s. 340.01 (48r), except mobile homes or
13 recreational vehicles which are located in campgrounds licensed under s. 254.47,
14 mobile homes that constitute improvements to real property under s. 70.043 (1), and
15 mobile homes or recreational vehicles which are located on land where the principal
16 residence of the owner of the mobile home or recreational vehicle is located,
17 regardless of whether the mobile home or recreational vehicle is occupied during all
18 or part of any calendar year.

19 **SECTION 53.** 66.0809 (3) of the statutes is amended to read:

20 66.0809 (3) Except as provided in subs. (4) and (5), on October 15 in each year
21 notice shall be given to the owner or occupant of all lots or parcels of real estate to
22 which utility service has been furnished prior to October 1 by a public utility operated
23 by a town, city or village and payment for which is owing and in arrears at the time
24 of giving the notice. The department in charge of the utility shall furnish the
25 treasurer with a list of the lots or parcels of real estate for which utility service

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1 charges are in arrears, and the notice shall be given by the treasurer, unless the
2 governing body of the city, village or town authorizes notice to be given directly by
3 the department. The notice shall be in writing and shall state the amount of arrears,
4 including any penalty assessed pursuant to the rules of the utility; that unless the
5 amount is paid by November 1 a penalty of 10% of the amount of arrears will be
6 added; and that unless the arrears, with any added penalty, are paid by November
7 15, the arrears and penalty will be levied as a tax against the lot or parcel of real
8 estate to which utility service was furnished and for which payment is delinquent.
9 The notice may be served by delivery to either the owner or occupant personally, or
10 by letter addressed to the owner or occupant at the post-office address of the lot or
11 parcel of real estate. On November 16 the officer or department issuing the notice
12 shall certify and file with the clerk a list of all lots or parcels of real estate, giving the
13 legal description, for which notice of arrears was given and for which arrears remain
14 unpaid, stating the amount of arrears and penalty. Each delinquent amount,
15 including the penalty, becomes a lien upon the lot or parcel of real estate to which the
16 utility service was furnished and payment for which is delinquent, and the clerk
17 shall insert the delinquent amount and penalty as a tax against the lot or parcel of
18 real estate. All proceedings in relation to the collection of general property taxes and
19 to the return and sale of property for delinquent taxes apply to the tax if it is not paid
20 within the time required by law for payment of taxes upon real estate. Under this
21 subsection, if an arrearage is for utility service furnished and metered by the utility
22 directly to a manufactured home or mobile home unit in a licensed manufactured and
23 mobile home park community, the notice shall be given to the owner of the
24 manufactured home or mobile home unit and the delinquent amount becomes a lien
25 on the manufactured home or mobile home unit rather than a lien on the parcel of

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1 real estate on which the manufactured home or mobile home unit is located. A lien
2 on a manufactured home or mobile home unit may be enforced using the procedures
3 under s. 779.48 (2). This subsection does not apply to arrearages collected using the
4 procedure under s. 66.0627. In this subsection, "metered" means the use of any
5 method to ascertain the amount of service used or the use of a flat rate billing method.

6 **SECTION 54.** 66.1001 (2) (b) of the statutes is amended to read:

7 66.1001 (2) (b) *Housing element.* A compilation of objectives, policies, goals,
8 maps and programs of the local governmental unit to provide an adequate housing
9 supply that meets existing and forecasted housing demand in the local governmental
10 unit. The element shall assess the age, structural, value and occupancy
11 characteristics of the local governmental unit's housing stock, and identify barriers
12 to affordable rental and owner-occupied housing. The element shall also identify
13 specific policies and programs that promote the development of housing for residents
14 of the local governmental unit and provide a range of housing choices, including
15 single-family, multifamily, owner-occupied, and rental homes, manufactured
16 buildings, as defined under s. 101.71 (6), and manufactured homes, as defined under
17 s. 101.91 (2), that meet the needs of persons of all income levels and of all age groups
18 and persons with special needs, policies and programs that promote the availability
19 of land for the development or redevelopment of low-income and moderate-income
20 housing, and policies and programs to maintain or rehabilitate the local
21 governmental unit's existing housing stock.

22 **SECTION 55.** 70.043 of the statutes is amended to read:

23 **70.043 Mobile homes and manufactured homes.** (1) A mobile home, as
24 defined in s. 66.0435 (1) (d) 101.91 (10), or a manufactured home, as defined in s.
25 101.91 (2), is an improvement to real property if it is connected to utilities and is set

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1 upon a foundation upon land which is owned by the mobile home or manufactured
2 home owner. In this section, a mobile home or manufactured home is "set upon a
3 foundation" if it is off its wheels and is set upon some other support.

4 (2) A mobile home, as defined in s. 66.0435 (1) (d) 101.91 (10), or a
5 manufactured home, as defined in s. 101.91 (2), is personal property if the land upon
6 which it is located is not owned by the mobile home or manufactured home owner or
7 if the mobile home or manufactured home is not set upon a foundation or connected
8 to utilities.

9 SECTION 56. 70.111 (19) (title) of the statutes is amended to read:

10 70.111 (19) (title) CAMPING TRAILERS AND RECREATIONAL MOBILE HOMES VEHICLES.

11 SECTION 57. 70.111 (19) (b) of the statutes is amended to read:

12 70.111 (19) (b) Mobile homes Recreational vehicles, as defined in s. 66.0435
13 340.01 (48r), that are no larger than 400 square feet and that are used primarily as
14 temporary living quarters for recreational, camping, travel or seasonal purposes.

15 SECTION 58. 70.112 (7) of the statutes is amended to read:

16 70.112 (7) MOBILE HOMES AND MANUFACTURED HOMES. Every mobile home unit,
17 as defined in s. 66.0435 (1) (j), that is subject to a monthly parking permit fee under
18 s. 66.0435.

19 SECTION 59. 71.07 (9) (a) 3. of the statutes is amended to read:

20 71.07 (9) (a) 3. "Property taxes" means real and personal property taxes,
21 exclusive of special assessments, delinquent interest and charges for service, paid by
22 a claimant on the claimant's principal dwelling during the taxable year for which
23 credit under this subsection is claimed, less any property taxes paid which are
24 properly includable as a trade or business expense under section 162 of the Internal
25 revenue code Internal Revenue Code. If the principal dwelling on which the taxes

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1 were paid is owned by 2 or more persons or entities as joint tenants or tenants in
2 common or is owned by spouses as marital property, "property taxes" is that part of
3 property taxes paid that reflects the ownership percentage of the claimant. If the
4 principal dwelling is sold during the taxable year the "property taxes" for the seller
5 and buyer shall be the amount of the tax prorated to each in the closing agreement
6 pertaining to the sale or, if not so provided for in the closing agreement, the tax shall
7 be prorated between the seller and buyer in proportion to months of their respective
8 ownership. "Property taxes" includes monthly parking permit fees in respect to a
9 principal dwelling collected under s. 66.0435 (3) (c).

10 **SECTION 60.** 71.07 (9) (a) 4. of the statutes is amended to read:

11 71.07 (9) (a) 4. "Rent constituting property taxes" means 25% of rent if heat is
12 not included, or 20% of rent if heat is included, paid during the taxable year for which
13 credit is claimed under this subsection, at arm's length, for the use of a principal
14 dwelling and contiguous land, excluding any payment for domestic, food, medical or
15 other services which are unrelated to use of the dwelling as housing, less any rent
16 paid that is properly includable as a trade or business expense under the internal
17 revenue code. "Rent" includes space rental paid to a landlord for parking a mobile
18 home or manufactured home. Rent shall be apportioned among the occupants of a
19 principal dwelling according to their respective contribution to the total amount of
20 rent paid. "Rent" does not include rent paid for the use of housing which was exempt
21 from property taxation, except housing for which payments in lieu of taxes were
22 made under s. 66.1201 (22).

23 **SECTION 61.** 71.52 (2) of the statutes is amended to read:

24 71.52 (2) "Gross rent" means rental paid at arm's length, solely for the right
25 of occupancy of a homestead. "Gross rent" does not include, whether expressly set

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1 out in the rental agreement or not, charges for any medical services; other personal
2 services such as laundry, transportation, counseling, grooming, recreational and
3 therapeutic services; shared living expenses, including but not limited to food,
4 supplies and utilities unless utility payments are included in the gross rent paid to
5 the landlord; and food furnished by the landlord as a part of the rental agreement.

6 “Gross rent” includes the rental paid to a landlord for parking of a mobile home or
7 manufactured home, exclusive of any charges for food furnished by the landlord as
8 a part of the rental agreement, plus ~~parking~~ monthly permit fees paid under s.
9 66.0435 (3) (c) for a rented mobile home or manufactured home. If a homestead is
10 an integral part of a multipurpose or multidwelling building, “gross rent” is the
11 percentage of the gross rent on that part of the multipurpose or multidwelling
12 building occupied by the household as a principal residence plus the same percentage
13 of the gross rent on the land surrounding it, not exceeding one acre, that is
14 reasonably necessary for use of the multipurpose or multidwelling building as a
15 principal residence, except as the limitations under s. 71.54 (2) (b) apply. If the
16 homestead is part of a farm, “gross rent” is the rent on up to 120 acres of the land
17 contiguous to the claimant’s principal residence plus the rent on all improvements
18 to real property on that land, except as the limitations under s. 71.54 (2) (b) apply.
19 If a claimant and persons who are not members of the claimant’s household reside
20 in a homestead, the claimant’s “gross rent” is the gross rent paid by the claimant to
21 the landlord for the homestead.

22 **SECTION 62.** 71.52 (7) of the statutes is amended to read:

23 71.52 (7) “Property taxes accrued” means real or personal property taxes or
24 monthly ~~parking~~ permit fees under s. 66.0435 (3) (c), exclusive of special
25 assessments, delinquent interest and charges for service, levied on a homestead

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1 owned by the claimant or a member of the claimant's household. "Real or personal
2 property taxes" means those levied under ch. 70, less the tax credit, if any, afforded
3 in respect of such property by s. 79.10. If a homestead is owned by 2 or more persons
4 or entities as joint tenants or tenants in common or is owned as marital property or
5 survivorship marital property and one or more such persons, entities or owners is not
6 a member of the claimant's household, property taxes accrued is that part of property
7 taxes accrued levied on such homestead, reduced by the tax credit under s. 79.10,
8 that reflects the ownership percentage of the claimant and the claimant's household,
9 except that if a homestead is owned by 2 or more natural persons or if 2 or more
10 natural persons have an interest in a homestead, one or more of whom is not a
11 member of the claimant's household, and the claimant has a present interest, as that
12 term is used in s. 700.03 (1), in the homestead and is required by the terms of a will
13 that transferred the homestead or interest in the homestead to the claimant to pay
14 the entire amount of property taxes levied on the homestead, property taxes accrued
15 is property taxes accrued levied on such homestead, reduced by the tax credit under
16 s. 79.10. A marital property agreement or unilateral statement under ch. 766 has
17 no effect in computing property taxes accrued for a person whose homestead is not
18 the same as the homestead of that person's spouse. For purposes of this subsection,
19 property taxes are "levied" when the tax roll is delivered to the local treasurer for
20 collection. If a homestead is sold or purchased during the calendar year of the levy,
21 the property taxes accrued for the seller and the buyer are the amount of the tax levy
22 prorated to each in proportion to the periods of time each both owned and occupied
23 the homestead during the year to which the claim relates. The seller may use the
24 closing agreement pertaining to the sale of the homestead, the property tax bill for
25 the year before the year to which the claim relates or the property tax bill for the year

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1 to which the claim relates as the basis for computing property taxes accrued, but
2 those taxes are allowable only for the portion of the year during which the seller
3 owned and occupied the sold homestead. If a household owns and occupies 2 or more
4 homesteads in the same calendar year, property taxes accrued is the sum of the
5 prorated property taxes accrued attributable to the household for each of such
6 homesteads. If the household owns and occupies the homestead for part of the
7 calendar year and rents a homestead for part of the calendar year, it may include both
8 the proration of taxes on the homestead owned and rent constituting property taxes
9 accrued with respect to the months the homestead is rented in computing the amount
10 of the claim under s. 71.54 (1). If a homestead is an integral part of a multipurpose
11 or multidwelling building, property taxes accrued are the percentage of the property
12 taxes accrued on that part of the multipurpose or multidwelling building occupied
13 by the household as a principal residence plus that same percentage of the property
14 taxes accrued on the land surrounding it, not exceeding one acre, that is reasonably
15 necessary for use of the multipurpose or multidwelling building as a principal
16 residence, except as the limitations of s. 71.54 (2) (b) apply. If the homestead is part
17 of a farm, property taxes accrued are the property taxes accrued on up to 120 acres
18 of the land contiguous to the claimant's principal residence and include the property
19 taxes accrued on all improvements to real property located on such land, except as
20 the limitations of s. 71.54 (2) (b) apply.

21 **SECTION 63.** 77.51 (2) of the statutes is amended to read:

22 77.51 (2) "Contractors" and "subcontractors" are the consumers of tangible
23 personal property used by them in real property construction activities and the sales
24 and use tax applies to the sale of tangible personal property to them. A contractor
25 engaged primarily in real property construction activities may use resale certificates

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1 only with respect to purchases of property which the contractor has sound reason to
2 believe the contractor will sell to customers for whom the contractor will not perform
3 real property construction activities involving the use of such property. In this
4 subsection, "real property construction activities" means activities that occur at a
5 site where tangible personal property that is applied or adapted to the use or purpose
6 to which real property is devoted is affixed to that real property, if the intent of the
7 person who affixes that property is to make a permanent accession to the real
8 property. In this subsection, "real property construction activities" includes affixing
9 a manufactured home, as defined in s. 101.91 (2), to real property, if the
10 manufactured home is connected to utilities and set upon a foundation, regardless
11 of who owns the land upon which the foundation is set. In this subsection, "real
12 property construction activities" ~~do~~ does not include affixing to real property tangible
13 personal property that remains tangible personal property after it is affixed.

14 **SECTION 64.** 77.51 (4) (b) 6. of the statutes is repealed.

15 **SECTION 65.** 77.51 (4) (b) 7. of the statutes is amended to read:

16 77.51 (4) (b) 7. For the sale of a manufactured building, as defined in s. 101.71
17 (6), or a manufactured home, as defined in s. 101.91 (2); at the retailer's option, except
18 that after a retailer chooses an option, the retailer may not use the other option for
19 other sales without the department's written approval; either 35% of the gross
20 receipts or an amount equal to the gross receipts minus the cost of the materials that
21 become an ingredient or component part of the building.

22 **SECTION 66.** 77.51 (13) (am) of the statutes is amended to read:

23 77.51 (13) (am) Any person making any retail sale of a motor vehicle, aircraft,
24 snowmobile, ~~mobile home not exceeding 45 feet in length~~ recreational vehicle, trailer,

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1 semitrailer, all-terrain vehicle or boat registered or titled, or required to be
2 registered or titled, under the laws of this state or of the United States.

3 **SECTION 67.** 77.51 (15) (b) 5. of the statutes is repealed.

4 **SECTION 68.** 77.51 (15) (b) 6. of the statutes is amended to read:

5 77.51 (15) (b) 6. For the sale of a manufactured building, as defined in s. 101.71
6 (6), or a manufactured home, as defined in s. 101.91 (2); at the retailer's option, except
7 that after a retailer chooses an option, the retailer may not use the other option for
8 other sales without the department's written approval; either 35% of the sales price
9 or an amount equal to the sales price minus the cost of the materials that become an
10 ingredient or component part of the building.

11 **SECTION 69.** 77.52 (2) (a) 1. of the statutes, as affected by 2003 Wisconsin Act
12 33, is amended to read:

13 77.52 (2) (a) 1. The furnishing of rooms or lodging to transients by hotelkeepers,
14 motel operators and other persons furnishing accommodations that are available to
15 the public, irrespective of whether membership is required for use of the
16 accommodations. In this subdivision, "transient" means any person residing for a
17 continuous period of less than one month in a hotel, motel or other furnished
18 accommodations available to the public. In this subdivision, "hotel" or "motel" means
19 a building or group of buildings in which the public may obtain accommodations for
20 a consideration, including, without limitation, such establishments as inns, motels,
21 tourist homes, tourist houses or courts, lodging houses, rooming houses, summer
22 camps, apartment hotels, resort lodges and cabins and any other building or group
23 of buildings in which accommodations are available to the public, except
24 accommodations, including mobile homes as defined in s. 66.0435 (1) (d) 101.91 (10),
25 manufactured homes as defined in s. 101.91 (2), and recreational vehicles as defined

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SECTION 69

1 ~~in s. 340.01 (48r), rented for a continuous period of more than one month and~~
2 ~~accommodations furnished by any hospitals, sanatoriums, or nursing homes, or by~~
3 ~~corporations or associations organized and operated exclusively for religious,~~
4 ~~charitable or educational purposes provided that no part of the net earnings of such~~
5 ~~corporations and associations inures to the benefit of any private shareholder or~~
6 ~~individual. In this subdivision, "one month" means a calendar month or 30 days,~~
7 ~~whichever is less, counting the first day of the rental and not counting the last day~~
8 ~~of the rental.~~

9 **SECTION 70.** 77.53 (17) of the statutes is amended to read:

10 77.53 (17) This section does not apply to tangible personal property purchased
11 outside this state, other than motor vehicles, boats, snowmobiles, ~~mobile homes not~~
12 ~~exceeding 45 feet in length~~ recreational vehicles, trailers, semitrailers, all-terrain
13 vehicles and airplanes registered or titled or required to be registered or titled in this
14 state, which is brought into this state by a nondomiciliary for the person's own
15 storage, use or other consumption while temporarily within this state when such
16 property is not stored, used or otherwise consumed in this state in the conduct of a
17 trade, occupation, business or profession or in the performance of personal services
18 for wages or fees.

19 **SECTION 71.** 77.53 (18) of the statutes is amended to read:

20 77.53 (18) This section does not apply to the storage, use or other consumption
21 in this state of household goods for personal use or to aircraft, motor vehicles, boats,
22 snowmobiles, mobile homes, manufactured homes, recreational vehicles, trailers,
23 semitrailers and all-terrain vehicles, for personal use, purchased by a
24 nondomiciliary of this state outside this state 90 days or more before bringing the
25 goods or property into this state in connection with a change of domicile to this state.